

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12748 of LeRoy Lowery, III, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the requirements of Sub-section 7206.6 that a driveway which provides accessibility to a parking space accessory to a one-family dwelling have a maximum grade of not more than twenty percent in the R-1-A District at the premises 1724 Portal Drive, N.W., (Square 2749, Lot 20).

HEARING DATE: September 27, 1978

DECISION DATE: September 27, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-1-A District at 1724 Portal Drive, N.W.
2. The subject lot is approximately 15,000 square feet in area, and is improved with a two story brick structure.
3. The applicant is requesting a variance from the maximum grade of not more than twenty percent for a driveway that has already been installed.
4. The Regulations require that a driveway providing accessibility to required accessory parking for a one-family dwelling not exceed the maximum grade of twenty percent. The applicant's driveway exceeds the maximum grade at various points along its length to a distance of forty feet from the sidewalk. Beyond the forty foot distance, the grade is less than twenty percent. The overall grade for the entire driveway averages nineteen percent. A variance is required for the portions in excess of twenty percent.
5. The front of the property slopes steeply upward. The applicant testified that he has been notified by the Inspections Branch of the Department of Housing and Economic Development that in order to bring the driveway into compliance with the Regulations, it would require that the whole existing structure be dropped.
6. There was no report from Advisory Neighborhood Commission 4A on this application.
7. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW

The Board concludes that the requested variance is an area variance, the granting of which required the showing of a practical difficulty. Based upon the above findings of fact and the evidence of record, the Board concludes that because of the exceptional topographical condition of the site, the strict application of the Zoning Regulations would create such a difficulty by requiring that the existing structure be dropped and a new driveway be installed to meet the criteria of the Regulations. The Board concludes that the applicant has met the required burden of proof under Paragraph 8207.11 of the Zoning Regulations. The Board further concludes that the granting of the requested variance would not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is hereby ORDERED that the application is hereby GRANTED.

VOTE: 5-0 (Walter B. Lewis, Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 2 NOV 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.